



*Town of Lexington*

## **PLANNING BOARD**

1625 Massachusetts Avenue  
Lexington, MA 02420  
Tel (781) 698-4560

[planning@lexingtonma.gov](mailto:planning@lexingtonma.gov)  
[www.lexingtonma.gov/planning](http://www.lexingtonma.gov/planning)

Charles Hornig, Chair  
Robert D. Peters, Vice Chair  
Michael Schanbacher, Clerk  
Robert Creech, Member  
Melanie Thompson, Member  
Michael Leon, Associate

### **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD TO SPECIAL TOWN MEETING 2021-1**

<b>ARTICLE NUMBER AND TITLE</b>	<b>ARTICLE 13: AMEND ZONING ARTICLE – DIVERSITY, EQUITY, INCLUSION, AND PERMITTING</b>
<b>DATES LEGAL NOTICE PUBLISHED IN THE NEWSPAPER</b>	Legal notices were published in the Lexington Minuteman Newspaper on September 2, 2021, and September 9, 2021
<b>DATE PUBLIC HEARING OPENED</b>	September 22, 2021
<b>DATE OF A CONTINUED PUBLIC HEARING</b>	October 6, 2021
<b>DATES PUBLIC HEARING CLOSED</b>	October 6, 2021
<b>DATE PLANNING BOARD VOTED ON A RECOMMENDATION TO TOWN MEETING</b>	October 6, 2021
<b>RECOMMENDATION</b>	<b>Approval</b>
<b>PRESENTERS WHO APPEARED DURING THE PUBLIC HEARINGS</b>	Charles Hornig, Member
<b>PLANNING BOARD MEMBERS WHO VOTED ON THE ARTICLE</b>	Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech; and Melanie Thompson

#### **RECOMMENDATION**

The Planning Board unanimously recommends that Town Meeting **APPROVE** the motion for Article 13: Zoning Article – Diversity, Equity, Inclusion, and Permitting.

#### **TOWN MEETING ACTION**

Article 13: Zoning Article – Diversity, Equity, Inclusion, and Permitting requires a 2/3 vote of Town Meeting.

#### **BACKGROUND**

The Planning Board, along with members of Town Meeting, have identified the need to address the negative impacts of racial inequity, disability rights, along with any other discriminatory actions that may be caused by the action of the Town through government

processes. The Planning Board is using Article 8 of Special Town Meeting 2020-2 and Article 30 of the 2021 Annual Town Meeting to guide them in their efforts.

- Article 8 (Fall 2020): *That the Town:*
  - a. *consider racial and other equity impacts in all decisions and planning processes in order to work toward dismantling systemic racism and white privilege;*
  - b. *take action to integrate racial equity tools and concepts into routine operations and policy-making; ...*  
*all with the goal of making Lexington a truly equitable community.*
- Article 30 (Spring 2021): *That the Town resolves to:*
  - a. *fully consider disability rights in all decisions and planning processes in order to work toward full inclusion;*
  - b. *integrate concepts of inclusion, equity, accommodations and universal design into routine operations and policy-making; ...*

Although all inequities caused by government actions cannot be resolved at once, the Planning Board has identified three areas of the Zoning Bylaw to start such efforts.

#### **DESCRIPTION**

The motion under the Zoning Article – Diversity, Equity, Inclusion, and Permitting proposes the following changes:

- State the Town’s intent that the Zoning Bylaw be interpreted and applied without discriminatory effects.
- Address equity impacts in permitting and remove consideration of criteria that encourage discrimination.
- Simplify special permit and site plan review criteria and make them more consistent.
- Replace the definition of “family” with a more inclusive definition of “household” conforming with federal law.
- Permit more than one resident in a rooming unit.

#### **PUBLIC HEARING PROCESS**

Due to COVID-19, the Planning Board held hearings for all of its Special Town Meeting 2020-1 Zoning Articles via Zoom. The Planning Board held the opening public hearing on September 22, 2021, and a continued public hearing on October 6, 2021. In attendance were Charles Hornig, Chair; Robert Peters, Vice-Chair; Michael Schanbacher, Clerk; Robert Creech; and Melanie Thompson as voting members. Michael Leon was also present for the public hearing process as the Associate Member.

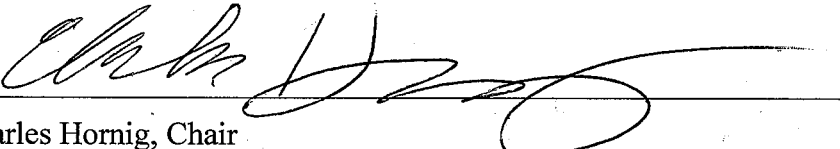
Date of Public Hearing	Summary of Public Hearing
<b>September 22, 2021</b>	<p>Charles Hornig, Chair, opened the public hearing and presented a PowerPoint presentation for the proposed Zoning Article – Diversity, Equity, Inclusion, and Permitting dated September 21, 2021.</p> <p>The Planning Board reviewed the proposed zoning article and provided comments. The following comments were discussed.</p> <ul style="list-style-type: none"> <li>• Clarification and insight on why Town Counsel removed the word “impact”.</li> </ul> <p>Mr. Hornig opened the floor for public comments. Public comments were received and may be reviewed in the meeting minutes of September 22, 2021, or the public hearing can be viewed on LexMedia.</p>
<b>October 6, 2021</b>	<p>Charles Hornig, Chair, opened the continued public hearing and provided a brief overview of amendments to the zoning article since the September 22, 2021 public hearing.</p> <p>The Planning Board reviewed the proposed amendments and had a brief discussion about the inclusion of “impact” added back into the zoning article, in addition to further discussing comments relative to equity identified by members of the public.</p> <p>Mr. Hornig opened the floor for public comments. Public comments were received and may be reviewed in the meeting minutes of October 6, 2021, or the public hearing can be viewed on LexMedia.</p>

#### PLANNING BOARD VOTE

***Robert Peters moved that the Planning Board recommend approval to the Fall Special Town Meeting for the zoning amendment for Diversity, Equity, Inclusion, and Permitting in substantially the form as presented. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Robert Peters – yes; Michael Schanbacher – yes; Michael Schanbacher – yes; Melanie Thompson – yes; Robert Creech – yes; Charles Hornig – yes). MOTION PASSED***

Charles Hornig. . . . . yes  
Robert Peters. . . . . yes  
Michael Schanbacher . . . . . yes  
Robert Creech. . . . . yes  
Melanie Thompson. . . . .yes

#### SIGNATURE OF THE PLANNING BOARD

  
Charles Hornig, Chair